

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
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GEORGETOWN, DE 19947
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RE: State v. Jose Antonio Cruz-Arano
Case No. 1011014820

Dear Counsel:

Since what was reported in Saturday's News Journal did not accurately reflect Friday's ruling in the above-captioned case I shall clarify same.

The decision as to whether a defendant who is represented by private counsel is entitled to have an interpreter sit at the defense table at the state's expense remains an open issue in Delaware.

When I indicated that I was inclined to follow the Indiana Supreme Court decision in *Arrieta v. Indiana*,¹ the discussion turned and Mr. Gill reported that his client is truly indigent.

Consequently the Court appointed the Public Defenders' Office to represent Mr. Cruz-Arano. Whether or not they wish to take the offered assistance of Mr. Gill in this case is up to them. The Court did not appoint the Public Defenders' Office as co-counsel.

¹878 N.E. 2d 1238, 1242-43 (Ind. 2008).

This ruling tracks similar decisions in the past, whereby a defendant initially represented by private counsel does not have the financial resources to pay for necessary experts (i.e. he or she becomes indigent), and the Public Defenders' Office then necessarily takes over the case. Fortunately this is rare, as it is troublesome for obvious reasons.

In the past the Public Defenders' Office has taken private counsel's offer of assistance, but that is their call, not the Court's. No matter what the decision may be I am sure Mr. Gill will assist the Public Defenders' Office in coming up to speed.

IT IS SO ORDERED.

Very truly yours,

/s/ T. Henley Graves

THG/jfg

cc: Chief Justice Myron T. Steele (via USPS mail and e-mail attachment)
President Judge James T. Vaughn, Jr. (via USPS mail and e-mail attachment)
Prothonotary